

# **TOUGH CRIME LEGISLATION PENDING IN SOUTH CAROLINA GENERAL ASSEMBLY**

## **Session 118 - (2009-2010)**

### **S 0005 Joint Resolution, By McConnell, Campsen, Elliott, Sheheen and Ford**

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 15, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF BAIL, SO AS TO AUTHORIZE THE DENIAL OF BAIL TO A PERSON WHO IS RELEASED ON BAIL PENDING TRIAL AND WHOSE BAIL IS REVOKED OR FORFEITED FOR VIOLATING A CONDITION OF RELEASE.

12/10/08 Senate Prefiled

12/10/08 Senate Referred to Committee on Judiciary

01/13/09 Senate Introduced and read first time SJ-74

01/13/09 Senate Referred to Committee on Judiciary SJ-74

### **S 0006 General Bill, By McConnell, Campsen, Rose and Elliott**

A BILL TO AMEND SECTION 17-15-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE, SO AS TO PROVIDE THAT A PERSON WHO IS RELEASED ON BAIL PENDING TRIAL, AND IS SUBSEQUENTLY CHARGED WITH A VIOLENT OFFENSE, SHALL BE DENIED BAIL WHEN THE PROSECUTOR PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT NO CONDITION OR COMBINATION OF CONDITIONS REASONABLY ASSURES THE SAFETY OF ANY OTHER PERSON OR THE SAFETY OF THE COMMUNITY IF THE PERSON IS RELEASED; AND TO AMEND SECTION 22-5-510, RELATING TO BOND HEARINGS IN MAGISTRATES COURTS, SO AS TO REQUIRE THAT PENDING CHARGES AGAINST A PERSON REQUESTING BAIL SHALL BE CONSIDERED BY THE MAGISTRATE IN DETERMINING IF BAIL IS GRANTED OR DENIED.

12/10/08 Senate Prefiled

12/10/08 Senate Referred to Committee on Judiciary  
01/13/09 Senate Introduced and read first time SJ-74  
01/13/09 Senate Referred to Committee on Judiciary SJ-74

### **S 0007 General Bill, By McConnell and Elliott**

A BILL TO AMEND CHAPTER 1, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FELONIES AND MISDEMEANORS, BY ADDING SECTION 16-1-60, SO AS TO INCLUDE MANUFACTURING, DISTRIBUTING, OR POSSESSION WITH THE INTENT TO DISTRIBUTE A CONTROLLED SUBSTANCE AND MANUFACTURING, DISTRIBUTING, OR POSSESSION WITH THE INTENT TO DISTRIBUTE METHAMPHETAMINE, COCAINE BASE, AND OTHER CONTROLLED SUBSTANCES AS VIOLENT CRIMES.

12/10/08 Senate Prefiled  
12/10/08 Senate Referred to Committee on Judiciary  
01/13/09 Senate Introduced and read first time SJ-75  
01/13/09 Senate Referred to Committee on Judiciary SJ-75  
01/23/09 Senate Referred to Subcommittee: Hutto (ch), Rose, Shoopman

### **S 0190 General Bill, By McConnell**

A BILL TO AMEND ARTICLE 5, CHAPTER 23, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES INVOLVING WEAPONS, BY ADDING SECTION 16-23-425 SO AS TO CREATE THE CRIME OF POSSESSION OF FIREARMS OR AMMUNITION BY A PERSON WHO HAS BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR, TO PROVIDE THAT A VIOLATION IS A FELONY, TO PROVIDE FOR A PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS OR IMPRISONMENT OF NOT MORE THAN FIVE YEARS, OR BOTH, AND TO PROVIDE FOR THE DISPOSITION OF THE FIREARMS OR AMMUNITION.

12/17/08 Senate Prefiled  
12/17/08 Senate Referred to Committee on Judiciary  
01/13/09 Senate Introduced and read first time SJ-158  
01/13/09 Senate Referred to Committee on Judiciary SJ-158  
01/23/09 Senate Referred to Subcommittee: Malloy (ch), Ford, Knotts, Campsen

## **S 0191 General Bill, By McConnell, Campsen, Sheheen and Ford**

A BILL TO ENACT THE SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2009, SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 20-7-8305, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 20-7-8320, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT THE JUVENILE MUST BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO A COURT INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH

WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

12/17/08 Senate Prefiled

12/17/08 Senate Referred to Committee on Judiciary

01/13/09 Senate Introduced and read first time SJ-158

01/13/09 Senate Referred to Committee on Judiciary SJ-158

## **S 0206 General Bill, By L. Martin, Rose, Massey and Davis**

Similar (H 3166)

A BILL TO AMEND SECTION 24-13-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM "NO PAROLE OFFENSE", SO AS TO REVISE THE DEFINITION TO INCLUDE CLASS D, E, AND F FELONIES, CLASS A, B, AND C MISDEMEANORS, AND OFFENSES CLASSIFIED AS EXEMPT WHICH ARE PUNISHABLE BY A MAXIMUM TERM OF IMPRISONMENT OF ONE YEAR OR MORE, TO PROVIDE THAT A PERSON WHO IS FOUND GUILTY OF, OR PLEADS GUILTY OR NOLO CONTENDRE TO, A "NO PAROLE OFFENSE" IS NOT ELIGIBLE FOR EARLY RELEASE FROM INCARCERATION UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE AN EXCEPTION RELATED TO THE YOUTHFUL OFFENDER ACT; AND BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO ENACT THE "MIDDLE COURT PROCESSES ACT", TO REQUIRE

THE CREATION AND ADMINISTRATION OF A MIDDLE COURT PROCESS IN EACH JUDICIAL CIRCUIT BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF A MIDDLE COURT JUDGE, TO PROVIDE REQUIREMENTS FOR AN OFFENDER TO QUALIFY FOR ADMISSION TO A MIDDLE COURT PROCESS, AND TO REQUIRE FUNDING OF THE MIDDLE COURT PROCESS BY THE GENERAL ASSEMBLY TO THE JUDICIAL DEPARTMENT, THE ATTORNEY GENERAL'S OFFICE, AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES.

12/17/08 Senate Prefiled

12/17/08 Senate Referred to Committee on Judiciary

01/13/09 Senate Introduced and read first time SJ-168

01/13/09 Senate Referred to Committee on Judiciary SJ-168

01/23/09 Senate Referred to Subcommittee: Malloy (ch), Ford,  
Knotts, Campsen